

## PART E

~~OTHER STATUTORY~~  
~~FUNCTIONS;~~ COMMITTEES, JOINT  
COMMITTEES; ~~AND~~ COMMITTEE  
PROCEDURE RULES And OTHER  
STATUTORY  
FUNCTIONS;

# **AUDIT AND THE AUDIT COMMITTEE**

## **I. FUNCTIONS**

The Council's Internal Audit functions are carried out by the Devon Audit Partnership; External Audit is carried out by the Council's External Auditor and the Audit Committee is responsible for the functions set out in section 2 below.

## **MATTERS SPECIFICALLY DELEGATED TO THE AUDIT COMMITTEE**

### **2. RESPONSIBILITIES OF THE AUDIT COMMITTEE**

#### **2.1 External Audit Functions of Audit Committee**

- (a) To consider the appointment of the Council's external auditor, as far as the rules permit.
- (b) To discuss with the external auditor the nature and scope of audit coverage, including Value for Money (VFM) and Best Value Work and to agree level of fees chargeable.
- (c) To review external audit reports and annual audit letters, together with management response and make recommendations to the Cabinet.
- (d) To respond to any other concerns of the external auditors.

#### **2.2 Internal Audit Functions of the Audit Committee**

- (a) To monitor the progress and performance of Internal Audit.
- (b) To review and approve the Internal Audit annual programme.
- (c) To consider significant findings of Internal Audit reviews and investigations together with management responses and monitor implementation of agreed recommendations.
- (d) To advise Council on the Internal Audit function, resourcing and standing within the authority.
- (e) To ensure co-ordination between internal and external auditors.
- (f) To consider the Chief Auditor's annual report, and comment annually on the adequacy and effectiveness of internal control systems within the Council.

#### **2.3 Risk Management Functions of the Audit Committee**

- (a) To approve, support and monitor the implementation and ongoing processes for identifying and managing key risks of the authority.
- (b) To review and advise the Cabinet and Council on the content of the corporate governance report in the annual report, and to approve the statement of accounts.

- (c) To monitor the Council's compliance with its own published standards and controls and recommend any necessary changes to Financial Regulations and Standing Orders Contracts.
- (d) To keep under review corporate policies such as Anti-fraud Strategy.

## **2.4 Corporate Governance**

To advise Council on the promotion, maintenance and review of Code of Corporate Governance for the City Council.

## **3 MATTERS DELEGATED TO OFFICERS**

The Assistant Director for Finance is authorised to carry out all ~~All~~ other non executive functions in respect of audit ~~have been specifically delegated to the Assistant Director for Finance~~ in accordance with the officer scheme of delegation of functions.

# TAXI LICENSING AND THE TAXI LICENSING COMMITTEE

## I FUNCTIONS

1.1 To carry out all the taxi and private hire and other vehicle licensing responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and in the Plymouth City Council Act 1975.

### 1.2 Policy

Council sets policies on taxi and private hire and other vehicle licensing on the recommendation of the Cabinet.

## 2 MATTERS DELEGATED TO THE TAXI LICENSING COMMITTEE

### 2 Responsibilities of the Taxi Licensing Committee:

The Taxi Licensing Committee will:

2.1 Determine and review licence fees and terms and conditions of licences for taxis, private hire vehicles and other vehicles and operators;

2.2 Determine applications for taxi and private hire and other vehicle, driver and operator licences, when it has received any objections to the licence, permit or registration;

2.3 To determine applications for taxi and private hire and other vehicle, driver and operator licences when the applicant has a conviction and the [Assistant Director for Street Services](#) [Director of Public Health](#) has concerns about the nature of the offence; or the applicant or vehicle may be unsuitable for some other reason;

2.4 Determine whether to withdraw or suspend licences for taxis and private hire and other vehicles and their drivers and operators

## 3. MATTERS DELEGATED TO OFFICERS

[All other functions in respect of taxi licensing have been delegated to the Assistant Director for Street Services. The Director for Public Health is authorised to carry out all other non-executive functions in respect of taxi licensing in accordance with the officer scheme of delegation of functions.](#)

## 4. GENERAL

4.1 The Council's established Taxi Licensing Committee is comprised of Seven Councillors who have received the appropriate training.

# **LICENSING AND THE LICENSING COMMITTEE**

## **I. FUNCTIONS**

### **I.1 The Councils licensing functions are:**

- (a) All the responsibilities set out in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to licensing, registration and gambling apart from those relating to taxis, private hire vehicles, other vehicles and operators; common land and village greens; highways, new roads, and street works.
- (b) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making a closure order with respect to take away food shop (see Section 4 of the Local Government (Miscellaneous Provisions) Act 1982).
- (c) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making an order identifying a place as a designated public place in connection with police powers about alcohol consumption (see Section 13(2) of the Criminal Justice and Police Act 2001).
- (d) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making or revoking an order designating a locality as an alcohol disorder zone (see Section 16 of the Violent Crime Reduction Act 2006).

**I.2** Council sets policies in respect of Licensing and Gambling on the recommendation of Cabinet.

## **2 MATTERS SPECIFICALLY DELEGATED TO THE LICENSING COMMITTEE**

### **2.1 The responsibilities of the Licensing Committee**

The Licensing Committee will:

- Make orders identifying a place as a designated public place in connection with police powers about alcohol consumption;
- Make or revoke orders designating a locality as an alcohol disorder zone;
- Set the terms and conditions of licences, permits or registrations payable under the Licensing Act 2003;
- Set the terms and conditions of licences, permits or registrations in connection with sex shops and sex cinemas;
- Set fees for licences and permits issued under the Gambling Act 2005;
- Set fees payable in connection with Street Trading;
- Deal with any matter that is referred to it by an officer.

### **3. THE LICENSING SUB-COMMITTEE**

#### **3.1 The Licensing Committee appoints a sub-committee (the Licensing Sub-committee)**

##### **The responsibilities of the Licensing Sub Committee**

##### **The Licensing Sub Committee will:**

- decide applications made under the Licensing Act 2003 and Gambling Act 2005 where relevant representations are received within the timescale set out in the Act. When doing this the sub-committee follows the regulations and procedures under the Licensing Act 2003 or the Gambling Act 2005;
- decide whether to grant any other type of registration licence or permit when there are objections;
- determine all matters set out in section 10 of the Licensing Act 2003;
- determine all matters set out in section 154(4)(a) of the Gambling Act 2005;
- determine applications for club gaming or club machine permits and cancellation of such permits when there are objections;
- determine applications for prize gaming permits when there are police objections or officers would want to refuse them;
- determine applications for ice cream consents;
- set the terms and conditions of licences, permits or registrations and any fees or charges in connection with any of its responsibilities if they are referred to the sub-committee by an officer.
- Determine anything else which needs a hearing or which cannot legally be delegated to officers.

### **4. MATTERS DELEGATED TO OFFICERS**

**4.1** ~~The Assistant Director for Strategic Planning and Infrastructure deals with all other licensing responsibilities in relation to Safety Certificates for sports grounds and regulated stands.~~ The Strategic Director for Place is authorised to carry out all other licensing functions in relation to Safety Certificates for sports grounds and regulated stands in accordance with the officer scheme of delegation of functions.

**4.2** ~~The Assistant Director for Economic Development deals with all other licensing responsibilities in relation to street trading and market licensing.~~ The Strategic Director for Place is authorised to carry out all other licensing functions in relation to Street Trading and market licensing in accordance with the officer scheme of delegation of functions.

**4.3** ~~The Assistant Director for Customer Services deals with all other licensing responsibilities in relation to premises for the solemnisation of marriage.~~ The Strategic Director for Transformation and Change is authorised to carry out all other licensing responsibilities in relation to premises for the solemnisation of marriage in accordance with the officer scheme of delegation of functions.

- 4.4 The Strategic Director for People deals with all other licensing responsibilities in relation to the employment of children. [The Strategic Director for People is authorised to carry out all other licensing responsibilities in relation to the employment of children in accordance with the officer scheme of delegation of functions.](#)
- 4.5 ~~The Head of Housing deals with all other licensing responsibilities in relation to houses in multiple occupation.~~ [The Strategic Director for People is authorised to carry out all other licensing responsibilities in relation to houses in multiple occupation in accordance with the officer scheme of delegation of functions.](#)
- 4.6 The ~~Assistant Director for Street Services~~ [Director of Public Health](#) deals with all other licensing responsibilities. [The Strategic Director for Public Health is authorised to carry out all other licensing responsibilities in accordance with the officer scheme of delegation of functions.](#)

## 5. GENERAL

- 5.1 The Council's Licensing Committee is comprised of 15 members.
- 5.2 The Licensing Committee when acting as a quasi judicial body must comprise members who have received the relevant training.

## 6. PROCEDURES

- 6.1 When an application under the Licensing Act 2003 and the Gambling Act 2005 is being dealt with the procedure followed shall be as set out in the Regulations issued under the Acts.
- 6.2 When any other licensing application is being dealt with the Council Rules of Procedure apply to meetings of this committee.

### 6.3 Quorum

The quorum of the Licensing Committee shall be no less than one third of the members of the full Committee and the Sub-Committee quorum shall be three members

### 6.4 Appointment of Substitute Members

No substitute members are allowed to sit on the Licensing Committee and Members appointed must have completed the Council's prescribed licensing training course. The Sub-Committee(s) will be made up of three members drawn from the members of the Licensing Committee.

# **PLANNING AND THE PLANNING COMMITTEE**

## **I. FUNCTIONS**

**The relevant functions of the Council are:**

### **I.1 Planning and Conservation**

- A** All the Council's functions in relation to Town and Country Planning and Development Control as specified in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

#### **Commons registration**

- B** All the Council's functions in relation to common land or town and village greens or unclaimed common land, or unlawful works on common land and to register the variation of rights of common as set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

#### **Highways Use and Regulation**

- C** All the Council's functions in relation to the regulation of the use of highways set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

#### **High Hedges**

- D** All the Council's functions in relation to applications and complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003.

#### **Trees**

- E** The powers to preserve trees under Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 and to protect important hedgerows under the Hedgerows Regulations 1997.

### **I.2 Policy**

The Council decides whether to adopt the Local Development Framework, on the recommendation of Cabinet.

## **2 MATTERS SPECIFICALLY DELEGATED TO THE PLANNING COMMITTEE**

### **2.1 In relation to policies and strategies the Committee will:**

Advise the Cabinet on the implementation of the Development Plan, Local Development Framework and other planning policies and strategies.

## 2.2 Within the policies laid down by the Council, the Committee will

- 2.2.1. Determine applications relating to town and country planning, commons registration, village greens, the making or confirmation of Tree Preservation Orders where there are objections that cannot be resolved and the use or regulation of highways that would have a significant impact on two or more wards of the Council.
- 2.2.2 Determine individual applications for planning permission and any other application made under planning legislation where:
- a) it is an application for 10 or more dwellings or non-residential floor space of 1000 sq m or more and more than 5 written representations raising valid planning considerations have been received during the statutory consultation period; or
  - b) the application is substantively contrary to a Local Development Framework proposal and the officer recommendation is to approve;
  - c) the application is submitted by an employee or Member of the Council, or a close relative of an employee or Member of the Council living in the same property (see paragraph 4.3 for definition of a close relative).
  - d) a Member of Council has, within 3 weeks of being sent notification of an application, written to the ~~Assistant Director for Strategic Planning and Infrastructure~~ Strategic Director for Place -directing its determination by the Committee and given reasons for this ;
  - e) the matter is referred to the Committee by the ~~Assistant Director for Strategic Planning and Infrastructure~~ Strategic Director for Place -under one of the following criteria:
    - there are finely balanced policy or precedent issues;
    - there are probity issues or public interest reasons for the matter to be determined by the Committee;
    - the matter is an unusual response to a particular set of issues that warrants debate by the Committee.
- 2.2.3 Approve the principal terms of major planning agreements; or any substantive changes to the terms of major planning agreements that have been specifically agreed by the Planning Committee on a previous occasion.

### **In relation to Highways Matters the Committee will:**

- 2.3.6. Determine the confirmation of Orders to create divert or stop up footpaths or bridleways.
- 2.3.7. Determine applications to modify the definitive map.
- 2.3.8. Determine applications that are referred by ~~either the Assistant Director for Strategic Planning and Infrastructure or the Assistant Director for Street Serv~~ Strategic Director for Placeices.

### **3. MATTERS DELEGATED TO OFFICERS**

- 3.1** ~~All other non-executive functions in respect of planning highways and transport have been specifically delegated to the Strategic Director for Place~~The Strategic Director for Place is authorised to carry out all other Planning and Conservation, Commons Registration and Highways Use and Regulation responsibilities, and responsibilities in relation to high hedges and trees; in accordance with the officer scheme of delegation of functions.

### **4. GENERAL**

#### **4.1. Substitute Members**

Any member of Council may act as substitute provided they have undergone the Council's prescribed Member planning training course.

- 4.2** Planning Committee Procedures are found in the Planning Committee's Code of Good Practice.

- 4.3** For the purposes of the Planning Committee functions a close relative is defined as: a husband or wife (or civil partner), a son or daughter, a father or mother; or a brother or sister.

# CHIEF OFFICER APPOINTMENTS, APPEALS and DISCIPLINARY PANELS

*(This section will be further amended subject to the Council's decision regarding the report about 'Proposed Changes to Standing Orders in respect of Employment of the Chief Executive, Section 151 Officer and Monitoring Officer' on 22 June 2015)*

## 1. FUNCTIONS

1.1 Undertaking the selection process for the appointment, and formulating recommendations to the Council in relation to:

- the appointment and dismissal of the Head of the Paid Service;
- the designation of an officer to act as Monitoring Officer and Responsible Finance Officer (Section 151 Officer);
- the appointment/dismissal of Monitoring Officer and Responsible Finance Officer;

in accordance with legislation, Council policies, conditions of service and the appropriate procedures set out in the employment standing orders;

1.2 Undertaking the selection, appointment and dismissal processes for any staff where so required by law;

(It should be noted that the Chief Executive as head of paid service, or a person nominated by him, has powers to appoint all other staff).

1.3 Hearing and determining any appeals by staff under the Council's approved Human Resources policies and procedures including through any appointed Sub-Committee.

1.4 Determining terms and conditions for staff employed on the NJC terms and conditions for Chief Officers.

## 2. PROCEDURES

2.1 The Panels shall be politically balanced and include the relevant Cabinet member when required.

2.2 A Panel which hears an appeal will not include members of the Panel which made the original decision.

### **Appointment of substitute members**

2.3 Any member of the Council may act as substitute on a Panel provided that they have completed the Council's relevant human resources training/ briefing.

## 3. GENERAL

The Panels are convened from time to time as required by the [Assistant Director for Human Resources, Organisational Development and IT, Strategic Director for Transformation and Change.](#)

# **INDEPENDENT REMUNERATION PANEL**

## **I. FUNCTIONS**

The Panel carries out the Council's responsibilities under the Local Authorities (Members Allowances) Regulation 2003 as amended to convene an Independent Panel to make recommendations to the Council about the level of Members Allowances.

### **SPECIFIC RESPONSIBILITIES**

- 2.1** Overall, to recommend the level of allowances to be paid to Members, including special responsibility allowances, pension rights for elected Members and allowances payable to co-opted members.
- 2.2** The Panel will recommend:
- (a) The amount of basic allowance that should be payable to elected Members;
  - (b) The categories of Members who should receive special responsibility allowances and the amount of such an allowance;
  - (c) The travel and subsistence scheme, the amount of the allowance and how it should be paid;
  - (d) The payment of an allowance for co-opted members and the amount of that allowance;
  - (e) The payment of an allowance in respect of arranging for the care of Members' children and other dependants, the amount of this allowance and the means by which it should be determined;
  - (f) Whether the allowances should be backdated to the beginning of the municipal year;
  - (g) Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run;
  - (h) Which Members are to be entitled to pensions in accordance with the scheme made under section 7 of the Superannuation Act 1972; and as to treating basic allowances and special responsibility allowances as amounts in respect of which such pensions are payable regarding the Local Government Pension Scheme (LGPS).

# **MOUNT EDGCUMBE HOUSE AND COUNTRY PARK AND THE MOUNT EDGCUMBE JOINT COMMITTEE**

## **1. FUNCTIONS**

- 1.1** The Cabinets of Plymouth City Council and Cornwall Council have joint responsibility under Sections 6, 7, 8 and 9 of the Countryside Act 1968 and Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 for the strategic management and control of the Mount Edgcumbe house and country park including the power to acquire and sell land.
- 1.2.** Any revenue and capital expenditure incurred is to be defrayed and income shared by the two constituent Councils in equal portions.
- 1.3.** The Cabinet member with responsibility for the Mount Edgcumbe Country Park will decide whether to recommend that Cabinet approves in year variations to the business plan for the House and Country Park that require extra spending and propose the means of meeting any additional costs to Council.
- 1.4.** The Cabinet member with responsibility for Mount Edgcumbe Country Park will decide whether to agree in year variations to the business plan for the House and Country Park that do not require extra spending

## **MATTERS SPECIFICALLY DELEGATED TO THE JOINT COMMITTEE**

### **2. RESPONSIBILITIES OF THE JOINT COMMITTEE**

- 2.1** The Joint Committee has delegated authority from each of the constituent Councils (Plymouth City Council and Cornwall Council) to:
  - propose an annual business plan to both Cabinets;
  - monitor performance of the undertaking against the business plan and recommend variations to the business plan to the Cabinet members;
  - monitor performance of the undertaking to ensure value for money is achieved;
  - ensure the management of the country park and estate accords with proper financial and legal practice appropriate to local authorities;
  - ensure proper audit and risk management procedures are in place;
  - carry out an appropriate inspection of the house and country park on an annual basis;
  - undertake appropriate consultation with key stakeholders.

### **3. MATTERS SPECIFICALLY DELEGATED TO OFFICERS**

Following consultation with the Director for Environment, Planning and Economy of Cornwall Council, the Strategic Director for Place in Plymouth ~~has delegated authority is~~ [authorised](#) to carry out all other functions in relation to Mount Edgcumbe [in accordance with the officer scheme of delegation of functions](#).

### **4. PROCEDURES**

The Mount Edgcumbe Joint Committee Terms of Reference will apply.

# **TAMAR BRIDGE AND TORPOINT FERRY AND JOINT COMMITTEE**

## **I FUNCTIONS**

- I.1.** Plymouth City Council and Cornwall Council undertake the functions in relation to the Bridge and Ferry that are required by law to be carried out by the two authorities. Any revenue and capital expenditure incurred is to be defrayed and income shared by the two constituent Councils in equal portions.
- I.2** A joint committee of the Authorities has been appointed under the provisions of the Local Government Act of 1972 relating to joint committees:
- I.3** The Councils of the constituent authorities, acting together, are responsible for all the responsibilities for the Tamar Bridge and Torpoint Ferry as set out in the Tamar Bridge Acts 1957, 1979, 1998 which cannot by law be delegated to the Joint Committee. These principally are.
  - (a) all matters relating to the discharge of the functions of the Authorities under the Tamar Bridge Act 1957 to 1998 shall stand referred to such joint committee for consideration; those relating to the acquisition, appropriation, leasing or disposal of land;
  - (b) there shall be delegated to such joint committee all the powers of the Tamar Bridge Act conferred upon the Authorities except: those relating to the ceasing to demand and take and recover tolls and those relating to resuming the demanding, taking and recovering of tolls
  - (c) those contained in Part VI (Finance) of the Tamar Bridge Act
- I.4** The Councils of the constituent authorities acting together may make byelaws to:
  - (a) prevent injury and damage to the bridge
  - (b) regulate the conduct of all persons using the bridge
  - (c) regulate the traffic along over and under the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages vehicles and animals or other classes of traffic and for providing that the bridge may be temporarily closed to road traffic for repairs or other emergencies and for ensuring that road traffic shall not be unreasonably delayed
  - (d) prohibit the conveyance upon the bridge of any goods which may in the opinion of the Authorities be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of the bridge or the passenger and other traffic carried thereon
  - (e) regulate to the issue and inspection of tickets and collection of tolls
  - (f) regulate and control the use of the bridge

## 2. MATTERS SPECIFICALLY DELEGATED TO THE JOINT COMMITTEE

The Tamar Bridge and Torpoint Ferry Joint Committee will:

- propose a business plan to Cabinet as part of the annual budget setting process;
- monitor performance of the undertaking against the business plan;
- monitor performance of the undertaking to ensure value for money is achieved;
- make sure the management of the Bridge and Ferry accords with proper financial and legal practice appropriate to local authorities;
- make sure proper audit and risk management procedures are in place;
- make sure an appropriate inspection of the Bridge and Ferry takes place on an annual basis;
- undertake appropriate consultation with key stakeholders;

## 3. MATTERS SPECIFICALLY DELEGATED TO OFFICERS

The Strategic Director for Place in Plymouth is authorised to ~~and the Director for Environment, Planning and Economy in Cornwall have delegated responsibility to~~ carry out all other functions in respect of the Tamar Bridge and Torpoint Ferry in accordance with the officer scheme of delegation of functions and in conjunction with the Director for Environment, Planning and Economy in Cornwall.

## 4. PROCEDURES

- 4.1 The Tamar Bridge Joint Committee procedures will apply.

# **DEVON AUDIT PARTNERSHIP AND JOINT COMMITTEE**

## **1. FUNCTIONS**

- 1.1** The Devon Audit Partnership comprises Plymouth City Council Devon County Council and Torbay Council.
- 1.2** The Audit Partnership provides an internal audit function for the three Councils.

## **2 RESPONSIBILITIES OF THE DEVON AUDIT PARTNERSHIP JOINT COMMITTEE**

The Joint Committee will:

- Receive and consider reports from the management board, the head of the internal audit partnership, external audit and the host Council
- Approve the annual accounts of the partnership
- Approve the budget in respect of the audit partnership functions
- Approve the annual work programme in respect of the audit partnership functions
- Approve the appointment and dismissal or removal of the head of the internal audit partnership
- Approve changes to the partnership client base, trading agreements, charging policies and other necessary matters pertaining to the future operations of the partnership
- Resolve any disputes that are still unresolved after reference to the Partnership's management board.

## **3 MATTERS SPECIFICALLY DELEGATED TO OFFICERS**

The ~~Strategic Director for Transformation and Change Assistant Director of Finance is authorised to has delegated responsibility~~ to carry out all other functions in respect of the Devon Audit Partnership in accordance with the officer scheme of delegation of functions.

## **4. PROCEDURES**

The Devon County Council procedures apply to meetings of the Committee.

# **SOUTH WEST DEVON WASTE PARTNERSHIP JOINT COMMITTEE**

## **I FUNCTIONS**

- 1.1** The South West Devon Waste Partnership comprises Plymouth City Council, Devon County Council and Torbay Council.
- 1.2** The purpose of the three authorities in establishing the Joint Committee is to facilitate the joint procurement of, and the subsequent operation and management of, facilities for the treatment and disposal of residual waste in pursuance of the waste disposal functions of the three authorities arising under Section 51 of the Environmental Protection Act 1990.
- 1.3** The functions of the Committee are set out in full in the Committee's Joint working Agreement. (The Joint working Agreement is available on request).

## **2. DELEGATION TO THE JOINT COMMITTEE**

- 2.1** The responsibilities of the Committee are set out in full in the Committee's Joint Working Agreement which is available on request.
- 2.2** The key responsibilities of the Joint Committee are:  
All executive functions and powers of each authority as may be necessary, calculated to facilitate, incidental or conducive to the discharge of the joint procurement of, and the subsequent operation and management of, facilities for the treatment and disposal of residual waste in pursuance of the waste disposal functions of the three authorities arising under Section 51 of the Environmental Protection Act 1990.
- 2.3** The South West Devon Waste Partnership has delegated authority from each of the partners to:
  - take any decision where the Lead Officer of any of the appointing authorities has notified the Chair to the Waste Project Executive in writing of that authority's formal objection to the proposed decision of the Chair of the Waste Private Finance Initiative (PFI) project executive in accordance with clause 8.2.7 of Schedule C of the Joint Working Agreement
  - agree all evaluation criteria relating to the project
  - select the preferred bidder

## **3. MATTERS SPECIFICALLY DELEGATED TO OFFICERS**

The Chief Executive of Plymouth City Council in his capacity as chair of the Waste PFI project executive [is authorised to deals](#) with all other executive functions relating to the partnership [in accordance with the officer scheme of delegation of functions.](#)

## **4. PROCEDURES**

- 4.1** Schedule C of the Committee's Joint Working Agreement apply. (The Joint Working Agreement is available upon request)

- 4.2** Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules
- 4.3** The Joint Committee shall operate under the Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules of Plymouth City Council.
- 4.4** Quorum  
The quorum of the South West Devon Waste Partnership Joint Committee will be no less than three Members.

# **DEVON AND CORNWALL POLICE AND CRIME PANEL**

## **I. MEMBERSHIP**

The Panel has 20 members (18 councillors and two independent people):

- 18 councillors from: Cornwall Council, Devon County Council, East Devon District Council, Exeter City Council, Isles of Scilly Council, Mid Devon District Council, North Devon District Council, Plymouth City Council, South Hams District Council, Teignbridge District Council, Torbay Council, Torridge District Council and West Devon Borough Council.
- Two co-opted independent members – one from Cornwall and one from Devon

## **2. FUNCTION**

The Police and Crime Panel will support and challenge the Police and Crime Commissioner (PCC) when they carry out their functions. The panel has the power to request reports and call the PCC to attend its meetings.

## **3. RESPONSIBILITIES**

The panel will:

- review the police and crime plan and annual report
- scrutinize (and potentially veto) the PCC's proposed council tax precept\* for policing
- hold confirmation hearings for the PCC's proposed appointment of a Chief Constable and senior support staff (the panel may veto the Chief Constable appointment)
- review the PCC's proposals to remove the Chief Constable
- scrutinise the actions and decisions of the PCC (but not the performance of the police force)
- consider complaints against the PCC of a non-criminal nature

\*the money collected from Council Tax for policing

## **3. PROCEDURES**

The Panel Arrangements and Terms of Procedure apply

## **HEALTH AND WELL BEING BOARD**

### **I. FUNCTIONS**

The council's function relating to its Health and Wellbeing Board under Part 5 of the Health and Social Care Act 2012 as amended (2.2 below).

### **2. RESPONSIBILITIES OF HEALTH AND WELLBEING BOARD**

2.1 The purpose of the Board is to promote the health and wellbeing of all citizens in the City of Plymouth. The Board has three principles of working cooperatively which are to:

- Work together with all city partners and with those we serve to take joint ownership of the sustainability agenda
- Ensure systems and processes will be developed and used to make the best use of limited resources, every time
- Ensure partners move resources – both fiscal and human to the prevention and health and wellbeing agenda

2.2 The Board will identify and develop a shared understanding of the needs and priorities of local communities in Plymouth through the development of the Plymouth Joint Strategic Needs Assessment (JSNA). Specifically, the Board will ensure that:

- A Joint Health and Wellbeing Strategy for Plymouth is prepared and published to ensure that the needs identified in the JSNA are delivered in a planned, coordinated and measurable way.
- The Plymouth JSNA is based on the best evidence and data available so that it is fit for purpose and reflects the needs of local people, users and stakeholders
- The JSNA drives the development of the Joint Plymouth Health and Wellbeing Strategy and influences other key plans and strategies across the city
- Plymouth City Council, NEW Devon Clinical Commissioning Groups and NHS Commissioning Board Area Teams demonstrate how the JSNA has driven commissioning decisions

2.3 The Board will:

- Develop an agreed set of strategic priorities to focus both collective effort and resources across the city
- Seek assurance that commissioners plans are in place to deliver the Board's strategic priorities and outcomes
- Review the commissioning plans for healthcare, social care and public health to ensure that they have due regard to the Joint Plymouth Health and Wellbeing Strategy and take appropriate action if they do not
- Ensure that appropriate structures and arrangements are in place to ensure the effective engagement and influence of local people and stakeholders
- Represent Plymouth in relation to health and wellbeing issues across the sub regional and at national level

- Work closely with Plymouth Healthwatch ensuring that appropriate engagement and involvement with existing patient and service user involvement groups takes place
- Retain a strategic overview of the work of commissioners in the city
- Support joint commissioning of NHS, social care and public health services and identify those service areas in Plymouth where additional improvements in joint commissioning could achieve the Board's priority outcomes
- Recommend the development of aligned or pooled budgets and encourage partners to share or integrate services where this would lead to efficiencies and improved service delivery

### 3. MATTERS DELEGATED TO OFFICERS

- 3.1 ~~All other functions in respect of health and wellbeing have been delegated to the~~ The Strategic Director for People is authorised to carry out all other functions in respect of health and wellbeing in accordance with the officer scheme of delegation of functions.

## 4 GENERAL

### Membership

- 4.1 The Council's Health and Wellbeing Board is comprised of:-

A core membership being -

- The Cabinet Member for Public Health and Adult Social Care
- The Cabinet Member for Children and Young People
- The lead opposition member for health
- The Director of Public Health
- The Strategic Director for People
- One representative from the Clinical Commissioning Groups
- One representative of the local Healthwatch

Reflecting the co-operative approach to engage with customers and other stakeholders over the city's key priorities, the Board will co-opt additional partners which it considers are most likely to be able to work together to deliver the vision. The Board will make recommendations to the city council for appointments to the Board.

- 4.2 The Health and Wellbeing Board is a committee of the council under the Local Government Act 1972. The Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013 have dis-applied aspects of the Act which have been incorporated into these terms of reference.
- 4.3 The Board will act in accordance with the council constitution unless this conflicts with law.

### Meetings

- 4.4 The Health and Wellbeing Board will meet four times per year which will be reviewed after 12 months. The date, time and venue of meetings will be fixed in advance by the Board and an annual schedule of meetings will be agreed by council. Additional meetings may be convened at the request of the Chair. Meetings will be webcast and utilise social media tools to allow real time interaction with the meeting.

## **Voting**

- 4.5 In principle, decisions and recommendations will be reached by consensus. In exceptional circumstances and where decisions cannot be reached by a consensus of opinion and/or there is a need to provide absolute clarity on the will of the Board to executive bodies, voting will take place and decisions will be agreed by a simple majority of all members (councillors and co-opted members) present.

Where there are equal votes the Chair of the meeting will have the casting vote.

## **Declaration of Interests**

- 4.6 Members of the Health and Wellbeing Board will promote and support high standards of conduct and as such will be subject to the council's code of conduct. Members of the Board must, before the end of 28 days beginning with the day on which they become a member of the Board, notify the authority's monitoring officer of any disclosable pecuniary interests. Notification of changes to declared interests must be made to the authority's monitoring officer within 28 days of the change taking effect.

## **Quorum**

- 4.7 A quorum of one third of all members will apply for meetings of the Health and Wellbeing Board including at least one elected councillor from Plymouth City Council.

## **Access to Information/ Freedom of Information**

- 4.8 Health and Wellbeing Board meetings will be regarded as a council committee for Access to Information Act purposes and meetings will be open to the press/public. Freedom of Information Act provisions shall apply to all business.

## **Papers**

- 4.9 The agenda and supporting papers will be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at meetings will be kept and circulated to partner organisations as soon as possible and will be published on the city council web site.

## **General Rules**

- 4.10 The Health and Wellbeing Board will adhere to the Rules of Debate and General Rules Applying to Committees. Where there are gaps in procedure the Chair will decide what to do.

**DELEGATION OF OTHER MISCELLANEOUS NON EXECUTIVE FUNCTIONS**  
**unless they are specifically delegated to Council a committee or an Officer elsewhere**  
**in this constitution**

| <b>Legislation</b>                                  | <b>Responsibility</b>   | <b>Carried out by</b>  |
|---|---|--|
| Local Government Act 1972, Section 112              | Power to appoint staff and to set their terms and conditions (including procedures for dismissing them) | <p>The appointments panel appoints First and Second Tier staff and recommends the appointment of Chief Executive and designation of Head of Paid Service, Responsible Finance Officer and Monitoring Officer to Council. (Council has delegated the function of appointing and dismissing staff who report direct to the Director of Public Health, to the Director of Public Health.)</p> <p>The Chief Executive and First and Second Tier staff appoint everyone else.</p> <p>The Chief Executive sets collective terms and conditions other than for posts under the JNC for chief officers which are set by Council.</p> |
| Local Government Act 1972, Section 135              | Power to make contract rules  | Council  |
| Local Government Act 1972, Section 151              | Duty to arrange proper financial administration   | Responsible Finance Officer  |
| Local Government Act 1972, Section 270(3)           | Power to appoint proper officers for the purposes of the Local Government Act 1972                      | Monitoring Officer (or any other officer specifically appointed in the constitution)   |
| Local Government and Housing Act 1989, Section 4(1) | Duty to designate Head of Paid Service and provide resources  | Council (but appointments committee makes a recommendation)  |
| Local Government and Housing Act 1989, Section 5(1) | Duty to designate Monitoring Officer and provide resources  | Council  |

|   |   |  |
|---|---|--|
| Local Government Act 2000, Sections 82A(4) and (5)  | Duty to provide resources to a person named by the Monitoring Officer           | Council  |
| Local Government Act 2000, paragraphs 12 and 14 of Schedule 1                               | Powers relating to scrutiny committees (voting rights of Council-opted members) | Council  |
| Local Government Act 2000, Section 92   | Power to provide compensation when there has been maladministration             | If the compensation is less than £5000 the power is delegated to officers in the senior management structure |
| Representation of the People Act 1983, Section 8(2)   | Duty to appoint an electoral registration officer                               | The Chief Executive is the electoral registration officer  |
| Representation of the People Act 1983, Section 35   | Duty to appoint returning officer for local government elections                | The Chief Executive is the returning officer   |
| Local Government and Public Involvement in Health Act 2007, Sections 33(2), 38(2) and 40(2) | Duty to consult on change of scheme for elections                               | Council  |
| Local Government and Public Involvement in Health Act 2007, Sections 35, 41 and 52          | Duties relating to publicity  | Council  |
| Local Government and Public Involvement in Health Act 2007, Section 53                      | Duties relating to notice to Electoral Commission                               | Council  |
| Local Government and Public Involvement in Health Act 2007, Section 59                      | Functions relating to change of name of an electoral area                       | Council  |
|   | Powers to appoint the Lord Mayor and the Deputy Lord Mayor                      | Council on the recommendation of the Lord Mayor's Selection Committee  |

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|--|--|--|
| All the responsibilities in Paragraph C of Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.  | Powers and responsibilities in relation to Health and Safety at Work | The Assistant Director for Street Services |
| All the responsibilities in Paragraph EB of Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. | Functions in relation to community governance                        | Council                                    |
| All the responsibilities in Paragraph H of Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.  | Functions in relation to pensions                                    | The Responsible Finance Officer            |
| All the responsibilities in the Health Act 2006 in relation to the ban on smoking in public places.  | Functions in relation to the ban on smoking in public places.        | The Assistant Director for Street Services |